



July 5, 2023

VIA ELECTRONIC MAIL

West Passyunk Warehouse PH – proposed at: 39.913865 lat, -75.214160 long
6310 West Passyunk Avenue

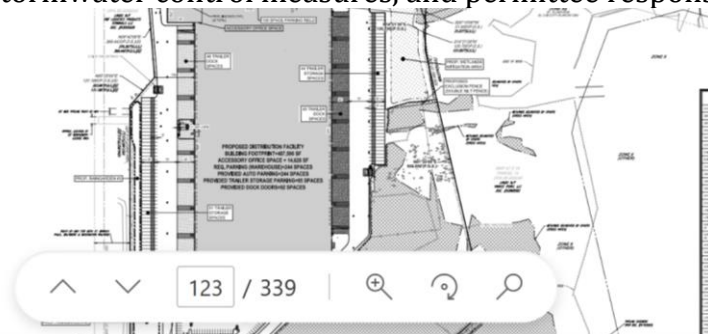
Genevieve T. Sarlo

Email: Genevieve.T.Sarlo@usace.army.mil

Re: E5101222-012 BP Point Breeze, LLC - Joint Pa. Ch. 105 Water Obstruction & Encroachment Permit and U.S. Army Corps of Engineers Section 404 Permit Application – Permanent disturbance of 1.4 acres of wetland

Please accept the following brief comments made on behalf of the Delaware Riverkeeper Network and Maya K. van Rossum, the Delaware Riverkeeper (collectively, “DRN”). BP Point Breeze, LLC, proposes to decommission an existing petrochemical distribution facility located along the Schuylkill River located in the regulatory floodway and floodplain.

The applicant, Jim Marshall (jmarshall@bridgeindustrial.com; 267-346-0556) – BP Point Breeze, LLC, has requested a Department of the Army permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) for a proposed warehouse project located along the Schuylkill River at 6310 West Passyunk Avenue, Philadelphia, Pennsylvania. The proposed project if approved, would include constructing a 487,590 square foot modern cross-dock warehouse with 95 trailer parking positions, 244 auto parking spaces, surface and underground stormwater control measures, and permittee responsible wetland mitigation.



DRN has not reviewed all materials on record but in short, we believe this application should be denied by the Corps. We would offer up that the warehouse configuration at a minimum

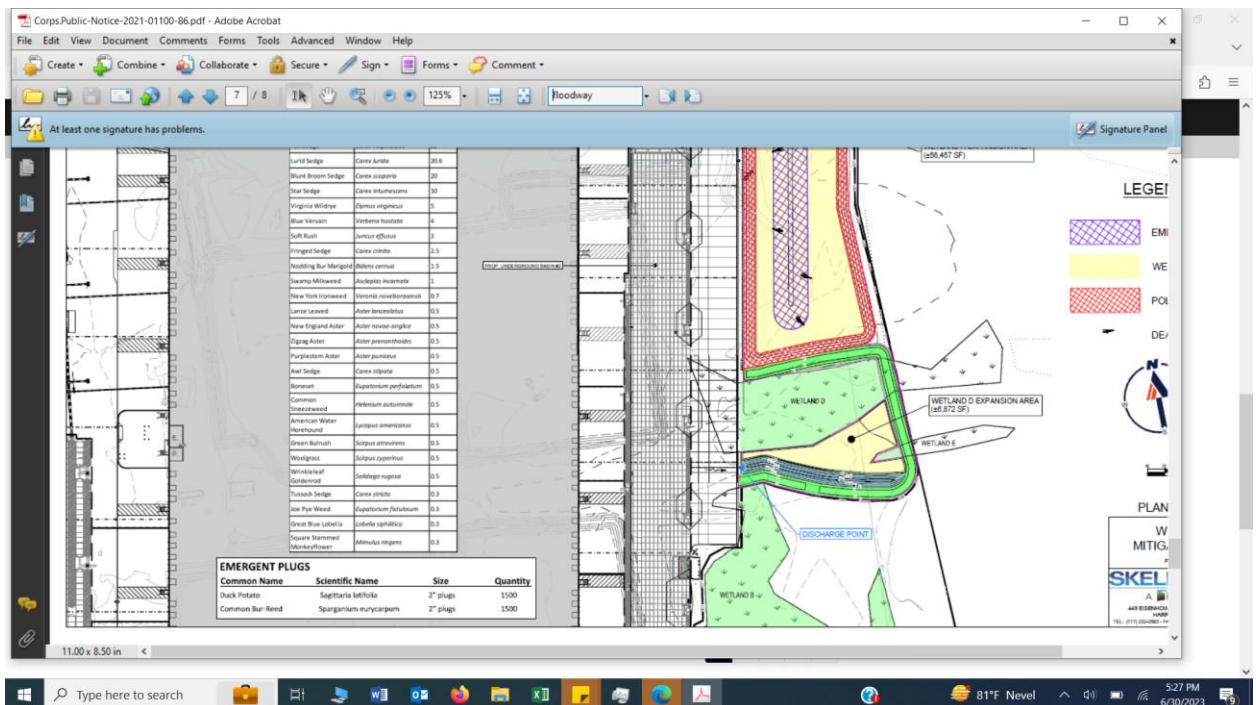
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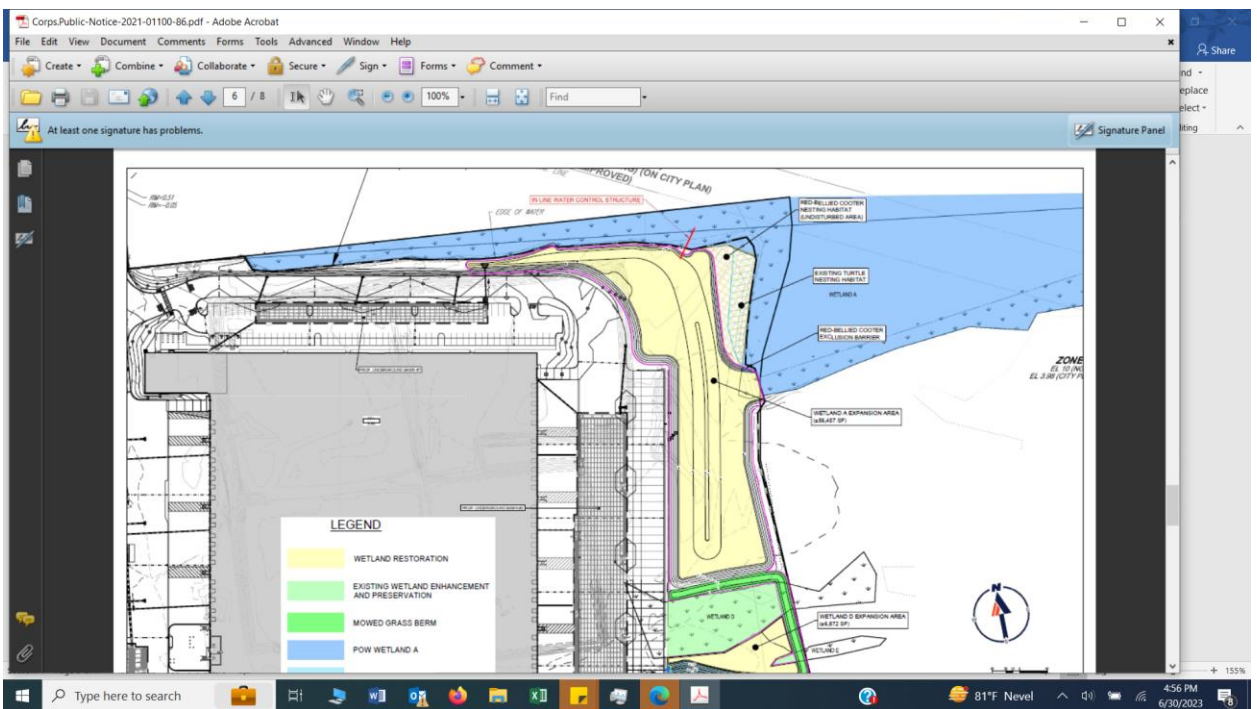
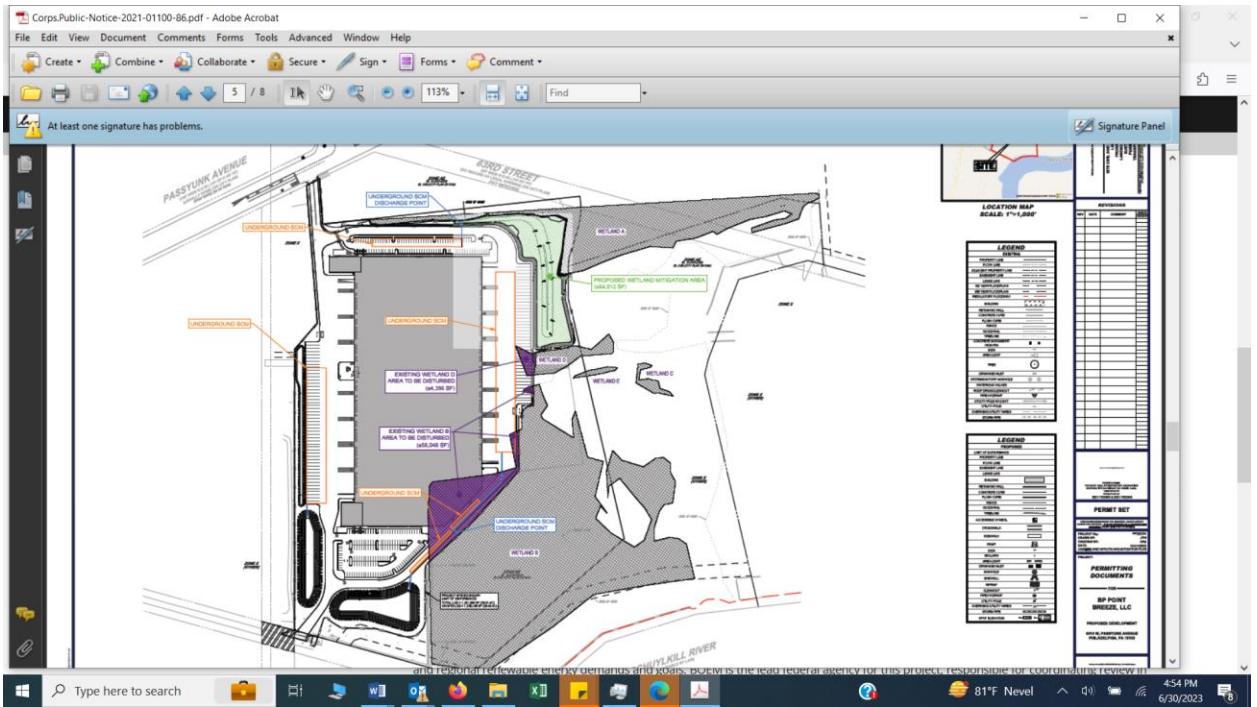
should be able to avoid existing wetlands and also should include a natural buffer area of native shrubs, trees and forbs over a pollinator mix to protect those wetlands. Warehouse stormwater which would carry oils, road salts and other harmful chemicals should not be allowed to further degrade the wetlands with discharges to these wetlands. DRN also observes that the applicant is talking of the artificial fill of the wetlands historically, but it is not clear from this cursory information how much additional fill the applicant would be creating to build a new building in the actual floodplain and floodway of the Schuylkill River though schematics do show concerning berms and other harmful additions that would continue to cut off the River from its natural historic floodplain. With climate change impacts, the Corps allowing any type of hard structures let alone large warehouses of which known storage and customers are not clear - in a floodplain and a floodway - would be reckless - so simply put, this application should be denied due to the harm it would bring alone. In addition to the science we understand with climate change and future flooding and storm events to come based on Pennsylvania weather predictions with catastrophic climate change (CCD) already here. Instead this site should be fully examined, sampled, and cleaned up and restored as a natural area for the public trust to benefit the surrounding communities that lack open space, forests, and natural wetlands to enjoy. The 95 trailer park locations and 244 parking spaces also speak to the air pollution impacts that already pollute and compound this community with an overburden of historic harms. The nature of a cross dock warehouse and distribution center as the 105 application outlines in in practice is logistics management that includes unloading incoming delivery vehicles and loading the materials directly into outbound delivery vehicles, omitting traditional warehouse logistical practices which likely involve idling trucks and 24-7 loading and hauling activities which are not indicative to EV wetlands protection, reptile and amphibian protection and other aquatic life or floodplain protection or surrounding human community protections. Other commenters have raised benzene pollution and other soil contamination that needs further scrutiny separate from any land developer scheme - this oversight must come from federal entities. This site could be instead restored and cleaned up for a natural area, creating hydrologically connected wetlands to the River fully and adding trails and other recreational benefits after soil clean up for an area that is currently experiencing intense urban heat impacts from climate extremes. This type of natural restoration would also fully help mitigate the impacts of climate change that are coming to downstream communities while not allowing more wetland fill and mitigation and yet another warehouse building (warehouse buildings are being overbuilt due to speculation) that would put infrastructure in harms way to future flooding.

DRN urges the Army Corps of Engineers (“the Corps”) if it does not outright deny this application, to engage in a holistic review of the Project that includes all impacts to water resources, including impacts associated with remediation that would impact Exceptional value (EV) wetlands and habitat of the red bellied turtle. ESA Section 7 consultation would be essential to any decisions as well as an on site Corps jurisdictional wetland determination (JD) to verify the applicants information provided - the application notes a prelim Corps delineation was conducted but no other details appear to be provided.

The Corp's review must also account for the multiple intersecting environmental impacts borne by the southwest Philadelphia communities, particularly as the neighborhood is in flux due to proposed development in the immediate vicinity of the proposed Project.

The site at which the proposed Project would be located includes a rare assortment of valuable and essential rare wetlands in the tidal Schuylkill River, which has been heavily impacted by industry for centuries and contains a large number of impervious surfaces and contaminated sites. DRN is concerned that the Project's impacts to these wetlands have been minimized in the application, and that the wetland mitigation project is grossly insufficient to compensate for the wetland values and functions lost through development. The applicant notes restoring part of the wetlands with mitigation equaling a roughly mediocre 56,457 sq. ft. or 1.29 acres of wetland while adding a large mega warehouse that would be 487,590 sq ft or 11.2 acres (not including parking which is another large footprint). 29.11 acres of earth disturbance is noted on the application which is significant. This is not acceptable especially in the floodplain of a major river to the Delaware River. Alarming, estimated rainfall statistics used in this application significantly underestimate actual precipitation events observed and documented in Philadelphia in the last 10 years. The permit application also claims that surrounding residents were notified of this proposal and their concerns were addressed, but provides no evidence of either. It is also extremely concerning that the proposed redevelopment will take place while the site is still going through the land cleanup process – more oversight on the clean up is sorely needed.





Although redevelopment of the site will involve demolition, potential remediation, and construction, the applicant inexplicably claims that there will be no temporary impacts to the wetlands on site, and the only impacts that should be evaluated by the Department are the permanent impacts to 1.4 acres of wetlands that will be completely destroyed. The idea that the wetlands abutting the development area will be unaffected by any earth moving or remediation activities runs counter to common sense and the science, let alone the level of

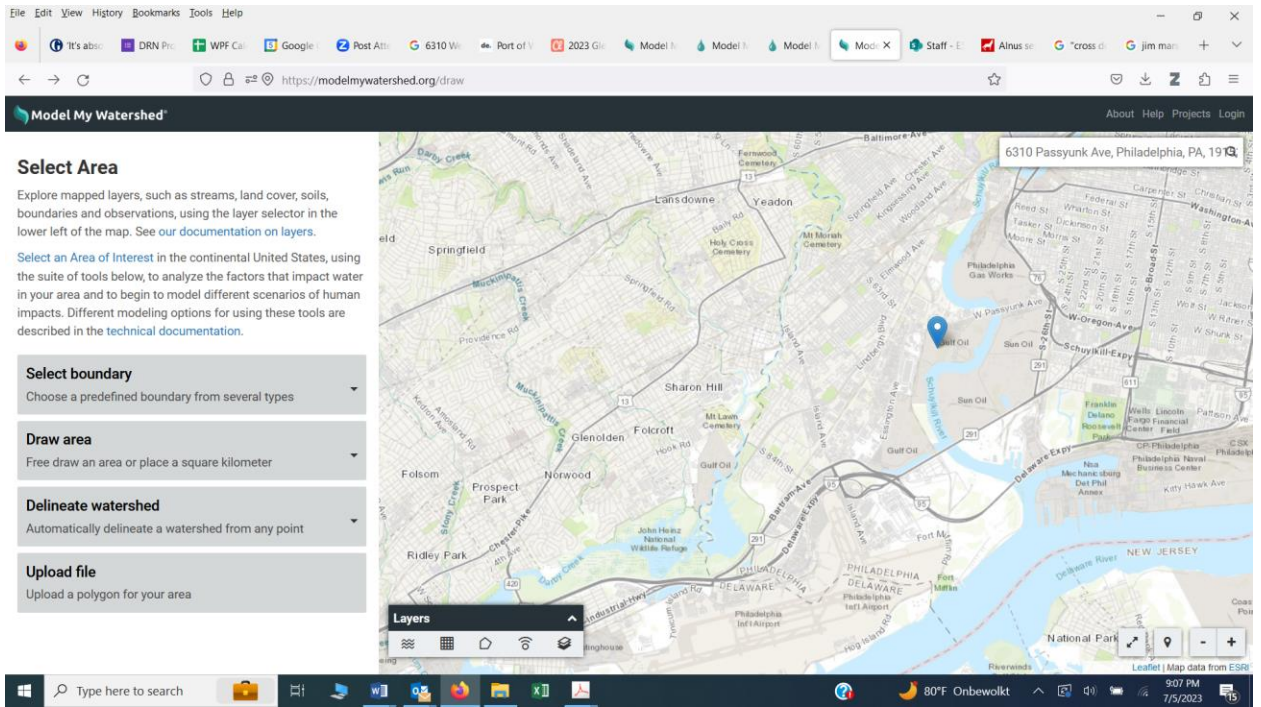
expert environmental stewardship that the Corps is charged with in the review of these applications.

The application also fails to address any ongoing impacts from the operation of the warehouse, despite the construction of an outfall for treated stormwater that will allegedly “maintain hydrology to the unimpacted portion of Wetland B.” A direct discharge of stormwater to a wetland is an impact that must be evaluated closely, and the acreage of those impacts must be accounted for in BP Point Breeze, LLC’s application. The applicant again contradicts itself by claiming that yet another stormwater point source discharge to mitigated wetlands will not impact Wetland A, but may “increase hydrology to Wetland A.” These stormwater impacts cannot be waved away as an environmental “benefit” without further analysis of how the Project impacts the existing hydrology of all the wetlands affected, and whether the proposed modification of that hydrology is environmentally beneficial (schematics above for reference). As further detailed below, the potential presence of contaminants in stormwater must also be accounted for.

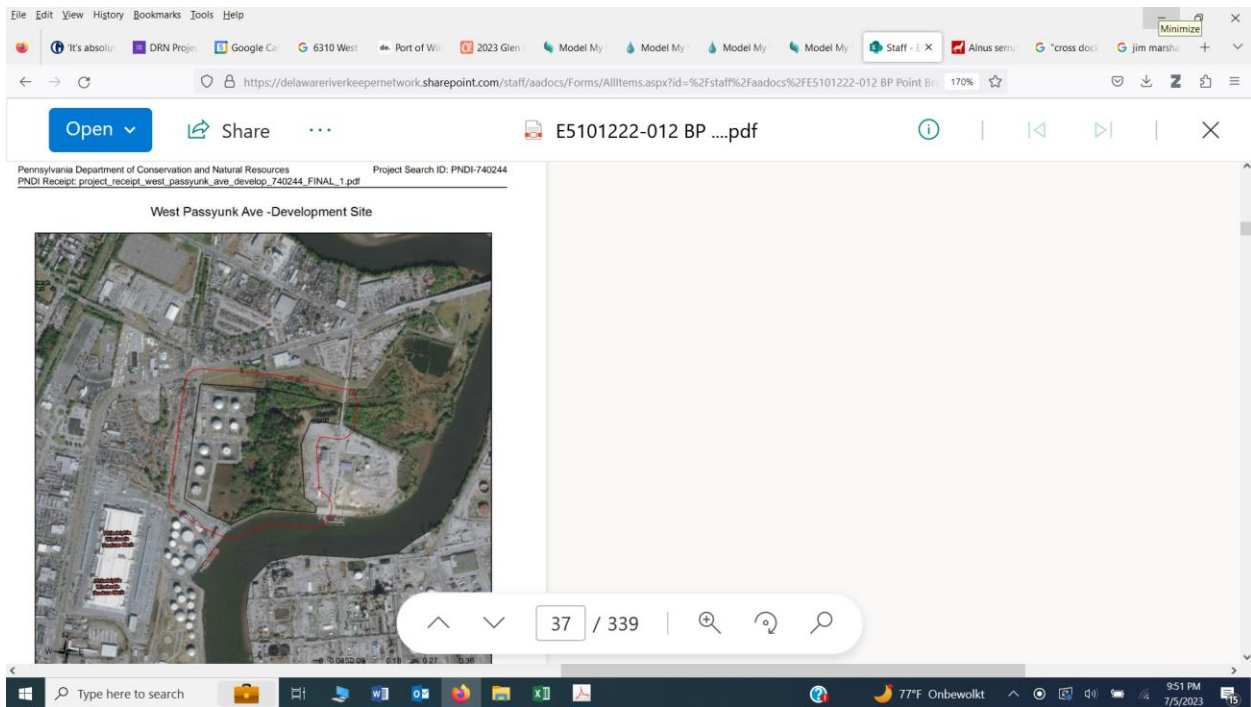
Significantly, the proposed Project is moving forward at the same time that the redevelopment of the former Philadelphia Energy Solutions Refinery is underway. This Project must be considered in the larger social and environmental context of the overall redevelopment, and robust community engagement is warranted.

In addition, as the Project site’s redevelopment will involve disturbing land that has been heavily impacted by the fossil fuel industry, DRN calls on the Corps to ensure that any soil, sediment, groundwater, or surface water sampling include testing for per- and polyfluoroalkyl substances (“PFAS”) to further protect the wetlands. PFAS are present in, among other products, firefighting foams frequently used at petrochemical facilities like the site in question. The site should also be analyzed for the presence of polychlorinated biphenyls (“PCBs”) to ensure that the Schuylkill River’s Total Maximum Daily Load for that contaminant is not affected. The Corps should not grant any wetland permits without a full and complete understanding of the Project’s impacts on water and wetland resources at the site, including PFAS and PCB-related impacts.

DRN would also note the proximity to the diverse and essential John Heinz National Wildlife Refuge and the potential for this location if full restoration of wetlands was explored over redevelopment for another industrial use that would further cause repeat damage to the area and community.



(map from Model My Watershed, accessed 7.5.23)



(excerpt from PNDI letter – Project Search ID PNDI - 740244)

DRN notes that further agency review by FBC is noted in the application in the PNDI search and the aerial provided does provide at least on paper a view of larger trees and shrubs than just phragmites which is noted in the applicants description. The PNDI also notes that the new project would not stay within the existing footprint of the building, parking lot,

driveway road or other impervious surface – again proposing to exploit existing natural wetlands and vegetation present and proposing to Be located just up against the Schuylkill River according to the project and buffered boundaries – in fact the buffered boundary shown in red goes into the Schuylkill River on the south side of the proposed project area off S 67th Street which indicates there is actually no buffer proposed. The PNDI application goes onto state that some project activities will occur within 100 feet of the Schuylkill River (i.e. waterway in the application).

The July 29, 2022 Presence Absence Coastal Plains leopard frog survey report by the applicant’s consultant first qualifies the site as being largely invasive species yet then also identifies “forest wetlands with red maple and gray birch as dominant species – both of which are native and have a high wildlife value. Black cherry is also noted as a predominant canopy associate which is critically important to wildlife in PA. Native Carex is also noted. It is unclear if all application materials actually account for this forested wetland habitat that currently exists as in the narrative applicant only speaks to phrag wetlands or emergent wetlands. Red maple and birch wetlands have value for stormwater, nutrient retention and a variety of other water quality benefits that do not appear to be addressed in the application to downplay conditions on site.

Furthermore, though the coastal plain leopard frog or mid atlantic coast leopard frogs were not audibly heard during the Phase 1 surveys, Dubois biologists did detect American toads, spring peepers, fowlers toads, and northern grey treefrogs during their surveys. This quality of diverse amphibians (though not federally or state threatened) indicate the important wetland complex present now at this very disturbed but still functioning location which again indicates no disturbance and instead complete restoration of the site would be a welcome amenity for the long term sustainability of the site over a warehouse complex.

Box turtle was also observed on 6.22.22 near the Phragmites wetlands and snapper and garter snakes were observed during visual periods which were very short periods of time – again indicating diverse life living within this site. The report goes onto to note that additional red bellied cooter surveys were done and at that time green frogs were also observed adding another amphibian to the wetland complex list. During trapping periods multiple box turtles appear to be observed as well as other species noted above.

West Passyunk Avenue Development Site
City of Philadelphia, Philadelphia County, PA

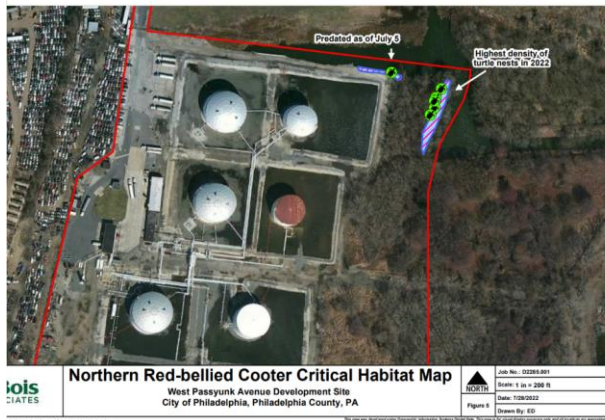


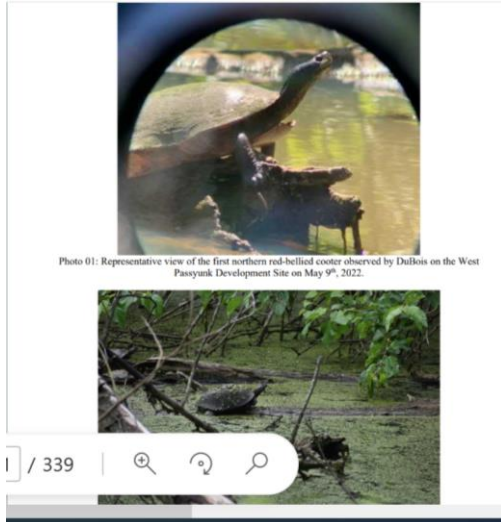
Photo 09: Representative view of two eastern box turtles observed near trapline A.



Excerpts from Dubois Presence Absence Surveys Report

The July 2022 Dubois report for the American red bellied turtle (i.e. red bellied cooter) indicated multiple presence of adults and nest sites of these turtles on the site and surrounding adjacent area. To encroach on these existing habitats to build an inappropriate warehouse in a floodplain would be a missed opportunity on true restoration that could be possible for this site.





From the application materials reviewed, we do not see the required land use letter completed. We observed two blank forms but no additional information provided in the 300 plus page document.

Note the March 31, 2022 SHPO letter (ER Project # 2022PR00910.001, West Passyunk Ave Development Site) sharing historic photos and refinery complexes and tanks in the region that date back to at least the 1930's. This type of complex site along with the surrounding industrial historic legacy impacts must have careful federal scrutiny applied.

In conclusion, we urge you to deny the Corps permit due to the harm it would inflict to the human community and the current natural community that is holding on in this region. At a minimum, more information is needed about this warehouse projects' impacts on the site in question in order to accurately determine its effect on the impacted water resources and areas downstream in the floodplain. Not only is more information needed from the applicant, but this information must be considered by the Corps in the overall context of the massive redevelopment effort located in the environmental justice community of southwest Philadelphia, and robust community engagement as a minimum requirement must be sought at all levels of the project. Thank you for your time and consideration of these comments and do feel free to reach out to me at 215-369-1188 ext 110 or faith@delawareriverkeeper.org.

Sincerely,

Faith Zerbe
Director of Monitoring
Delaware Riverkeeper Network

cc. Elaine Henderson, Clerical Assistant 3
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USFWS